

HOUSE BILL 2074
By Herron

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 1 and Title 40, Chapter 35, relative to restitution in criminal cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 11, Part 1, is amended by adding the following as a new section:

In addition to the punishment authorized by the specific statute prohibiting the conduct, it is a part of the punishment for any offense committed in this state that the person committing such offense may be sentenced by the court to pay restitution to the victim or victims of the offense in accordance with the provisions of Tennessee Code Annotated, Sections 40-35-104(c)(2) and 40-35-304.

SECTION 2. Tennessee Code Annotated, Section 40-35-104, is amended by adding the following new subpart (2) to subsection (c) and by renumbering subsequent subparts accordingly:

(2) Payment of restitution to the victim or victims either alone or in addition to any other sentence authorized by this subsection:

SECTION 3. Tennessee Code Annotated, Section 40-35-304, is amended by adding the following as a new subsection;

() The procedure for a defendant sentenced to pay restitution pursuant to Tennessee Code Annotated, Section 40-35-104(c)(2), or otherwise shall be the same as is provided in this section with the following exceptions:

(1) If there is no sentencing hearing or presentence report because the defendant's sentence is agreed upon and the payment of restitution is a part of such sentence, the plea agreement shall include the amount of restitution and the other performance requirements set out in subsection (c) of this section.

(2) A defendant sentenced in whole or in part to the payment of restitution pursuant to Tennessee Code Annotated, Section 40-35-104(c)(2), or otherwise shall be responsible for the payment of such restitution until the expiration of the sentence imposed by the court and any payment or performance schedule established by the court shall not extend beyond such expiration date.

(3) If the court sentences a defendant to payment of restitution and believes that payment to more than one (1) victim is proper, the court shall determine the pecuniary loss of each victim as provided in this section and shall apportion the amount of restitution that is owed to each such victim.

(4) If as a result of the defendant's criminal conduct the victim or victims of the offense are dead at the time of sentencing, the court may sentence the defendant to pay restitution to the victim's or victims' next-of-kin.

SECTION 4. This act shall take effect July 1, 1996, the public welfare requiring it, and shall apply to any defendant sentenced on or after such date.